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Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TECHNOLOGY PROPERTIES LIMITED,
LLC, et al.,

Plaintiffs,

v.

CANON INC., et al.,

Defendant.

CASE NO. 14-cv-03640 CW

**PLAINTIFFS' RESPONSE IN
OPPOSITION TO DEFENDANTS'
ADMINISTRATIVE MOTION TO
ENLARGE PAGE LIMIT FOR JOINT
OPPOSITION BRIEF RE CLAIM
CONSTRUCTION**

PLAINTIFFS' OPPOSITION TO DEFENDANTS'
ADMIN. MOTION TO ENLARGE PAGE LIMIT FOR
JOINT OPPOSITION BRIEF RE CLAIM
CONSTRUCTION

CASE NOS. 14-03640-CW, 14-03641-CW,
14-03643-CW, 14-03645-CW,
14-03646-CW, 14-03647-CW

1	TECHNOLOGY PROPERTIES LIMITED, LLC, et al.,	CASE NO. 14-cv-03641 CW
2		
3	Plaintiffs,	
4	v.	
5	FALCON NORTHWEST COMPUTER SYSTEMS, INC.,	
6	Defendant.	
7	TECHNOLOGY PROPERTIES LIMITED, LLC, et al.,	CASE NO. 14-cv-03643 CW
8	Plaintiffs,	
9	v.	
10	HEWLETT-PACKARD COMPANY,	
11	Defendants	
12	TECHNOLOGY PROPERTIES LIMITED, LLC, et al.,	CASE NO. 14-cv-03645 CW
13	Plaintiffs,	
14	v.	
15	NEWEGG INC., et al.,	
16	Defendants	
17	TECHNOLOGY PROPERTIES LIMITED, LLC, et al.,	CASE NO. 14-cv-03646 CW
18	Plaintiffs,	
19	v.	
20	SEIKO EPSON CORPORATION., et al.,	
21	Defendants.	
22	TECHNOLOGY PROPERTIES LIMITED, LLC, et al.,	CASE NO. 14-cv-03647 CW
23	Plaintiffs,	
24	v.	
25	SHUTTLE INC., et al.,	
26	Defendants.	
27		
28		

Pursuant to Civil Local Rule 7-11(b), Plaintiffs oppose Defendants' Administrative Motion to enlarge the page limit for Defendants' Joint Opposition Brief on Claim Construction. Doc. 290.¹ Defendants' request for ten additional pages is unfairly prejudicial and unnecessary.

- At the November 19, 2014 Case Management Conference, the Court gave the parties an opportunity to address any needs regarding the claim construction proceedings. Counsel for Defendants asked for and were given an extended period of time to reply to Plaintiff's Opening Brief to accommodate the need to coordinate amongst the Defendants (several of whom have settled since the Case Management Conference). Defendants knew the page limits before the Case Management Conference (Doc. 261), but did not request additional pages.
- In accordance with the CMO and Civil Local Rule 7-2(b), Plaintiffs filed a twenty-four page opening brief on January 29, 2015. Doc. 282. Plaintiffs eliminated available arguments to comply with the page limitations.
- Changing the rules after Plaintiffs filed the opening brief is prejudicial, particularly given that Defendants had three months to respond to Plaintiffs' brief;
- There is no justification for a 40% increase in the page limit;
- All of the disputes at issue before this Court were included in the claim construction briefing and oral argument in the ITC;
- Plaintiffs have consistently sought to streamline these cases and narrow the issues in dispute, and granting Defendants' request increases the complexity. For example, Plaintiffs proposed early claim construction on the potentially dispositive "mapping" terms and identified representative products in order to limit the resources expended by both parties. Yet, Defendants have consistently rejected Plaintiffs' suggestions to simplify. Defendants should be simplifying and consolidating their claim construction positions, not requesting ten additional pages of argument;
- Plaintiffs had approximately one-third the time that Defendants have, but Plaintiffs managed to limit their claim construction arguments to fit the local rule page limits. Defendants had three months and should also meet the local rule requirements;
- In the meet and confer on this issue, Defendants' position included that the local rules of this Court provide more total pages to Plaintiffs. Defendants voluntarily moved to transfer to this District and should accept the consequences of that decision;
- Based on Defendants' prior filings in this Court, it is expected that Defendants will use some of the allotted page limit making accusatory statements about Plaintiffs rather than focusing on the merits of claim construction (e.g., trying to convince the Court that this is an "exceptional" case because Plaintiffs did not completely prevail in the ITC);

¹ Cited ECF Document Numbers refer to filings in Case No. C 14-03640-CW.

Defendants' last-minute request for a 40% increase in the number of pages is unnecessary and is prejudicial to Plaintiffs.

Dated: April 16, 2015

Respectfully submitted,

BUNSOW DE MORY SMITH & ALLISON LLP

By: /s/ Denise M. De Mory
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